

**IN THE UNITED STATES BANKRUPTCY COURT FOR
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

In re:

MIDNIGHT MADNESS DISTILLING

Debtor.

Case No.: 21-11750-MDC

Chapter 7 Case

BONNIE B. FINKEL, in her capacity as Chapter
7 Trustee for Midnight Madness Distilling,
Plaintiff,

v.

Adv. Pro. No.: 23-00047-MDC

CASEY PARZYCH; SHAWN SHEEHAN;
ANGUS RITTENBURG, KELLY FESTA,
ASHLEIGH BALDWIN; MICHAEL BOYER;
R.F. CULBERTSON; GARY PARZYCH; RYAN
USZESNKI; POLEBRIDGE LLC; GOOD
DESIGN, INC.; AGTECH PA LLC; AGTECH VI,
LLC; XO ENERGY WORLDWIDE LLLP; XO
EW, LLC; CAN MAN LLC; BEST BEV, LLC;
ETOH WORLDWIDE, LLC; CANVAS 340, LLC;
FINLAND LEASING CO., INC.; and EUGENE T.
PARZYCH, INC.

JURY TRIAL DEMANDED

Defendants.

**MOVING DEFENDANTS' RULE 12(b)(6) MOTION TO DISMISS FOR FAILURE TO
STATE A CLAIM UPON WHICH RELIEF CAN BE GRANTED**

Moving Defendants,¹ by and through their undersigned attorneys, hereby move this
Honorable Court, pursuant to Rule 12 of the Federal Rules of Civil Procedure, made applicable to

¹ The Moving Defendants are Casey Parzych; Angus Rittenburg; Kelly A. Festa; Ashleigh Baldwin; Michael Boyer; R.F. Culbertson; Polebridge, LLC; Good Design, Inc.; AgTech PA LLC; AgTech VI, LLC; XO Energy Worldwide, LLLP; XO EW, LLC; Best Bev, LLC; EtOH Worldwide, LLC; Canvas 340, LLC; and Shawn Sheehan. Pursuant to Local Rules 7005-1 and 9014-3(b), the Moving Defendants do not consent to the entry of a final order or judgment by the court if it is determined that the court, absent consent of the parties, cannot enter a final order or judgment consistent with Article III of the United States Constitution.

this adversary proceeding by Rule 7012 of the Federal Rules of Bankruptcy Procedure, to dismiss the Amended Complaint [Adv. D.I. 1] filed against them in the above-captioned adversary proceeding by plaintiff, Bonnie B. Finkel, the Chapter 7 Trustee for the debtor, Midnight Madness Distilling LLC f/k/a Theobald and Oppenheimer, LLC d/b/a Faber Distilling.

Dated: September 30, 2024

Respectfully,

/s/ Steven L. Caponi

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***Attorneys for Casey Parzych; Shawn Sheehan;
Angus Rittenburg; Ashleigh Baldwin; R.F.
Culbertson; Michael Boyer; Kelly Festa, Ryan
Uszeski; Polebridge, LLC; Good Design, Inc.;
AgTech PA LLC; AgTech VI, LLC; XO
Energy Worldwide, LLLP; XO EW, LLC; Best
Bev, LLC; Can Man LLC; EtOH Worldwide,
LLC; and Canvas 340 LLC***